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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91196414
Party	Defendant PruGen IP Holdings, Inc.
Correspondence Address	ROBERT KNECHTEL PRUGEN IP HOLDINGS, INC. 8711 E PINNACLE PEAK RD PMB 225 SCOTTSDALE, AZ 85255-3517 rknechtel@prugen.com
Submission	Answer
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Date	10/19/2010
Attachments	AventisBENZASCREEOppositionAnswer.pdf (5 pages)(118564 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIALS AND APPEALS BOARD

In the matter of:

Application Number: 77/887776

Mark: BENZASCREEN

Published in the Official Gazette:

May 11, 2010

Aventis Pharmaceuticals Inc.)

)

Opposer,)

)

Opposition Number: 91196419

v.)

)

PruGen IP Holdings, Inc.)

)

Applicant.)

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant, PRUGEN IP HOLDINGS, INC. (“PruGen IP), for its answer to the Notice of Opposition filed by, NYCOMED US INC. (“Nycomed”) against the application for registration of PruGen IP’s trademark BENZASCREEN, Serial Number 77/887,776, filed December 7, 2009 and published in the Official Gazette of May 11, 2010, pleads and avers as follows:

1. In answer to paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegation contained therein and accordingly denies the allegation.

2. In answer to paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegation contained therein and accordingly denies the allegation.

3. In answer to paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

4. In answer to paragraph 4 of the Notice of Opposition, Applicant admits each and every allegation thereof.

5. In answer to paragraph 5 of the Notice of Opposition, Applicant admits that it has not used the mark prior to its filing date but denies the remainder of the allegations of paragraph 5.

6. In answer to paragraph 6 of the Notice of Opposition, Applicant denies each and every allegation thereof.

7. In answer to paragraph 7 of the Notice of Opposition, Applicant denies each and every allegation thereof.

GENERAL DENIAL

8. Any allegations in the Notice of Opposition not expressly admitted by Applicant are hereby denied. Having answered the Notice of Opposition, Applicant denies that Opposer is entitled to the relief requested in Opposer's prayer for relief or any relief whatsoever.

AFFIRMATIVE DEFENSES

9. Applicant affirmatively alleges that there is not likelihood of confusion, mistake or deception because, inter alia, Applicant's mark and the pleaded marks of Opposer are not confusingly similar.

10. Applicant affirmatively alleges that its mark is not similar in sound, appearance or commercial impression to Opposer's.

11. Applicant affirmatively alleges that the target consumer of Applicant's product is a sophisticated, licensed user who takes great care in selecting goods will not be confused by the Applicant's mark and Opposer's mark.

12. Applicant affirmatively alleges that the products sold under Applicant's mark and Opposer's mark are not in close proximity to one another, so there is no likelihood of confusion

13. The Notice of Opposition and each count thereof are barred in whole or in part for failure to state a basis for the relief sought.

14. Applicant affirmatively alleges that Opposer is not likely to be damaged by the registration of Applicant's mark in question.

15. Applicant affirmatively alleges that no dilution of Opposer's mark will result from Applicant's use and registration of the mark in question because Opposer's mark is not sufficiently famous or distinct.

16. The Notice of Opposition is barred in whole or in part by the doctrine of laches and the doctrine of estoppel.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has failed to show wherein it will be, or is likely to be, damaged by registration of Applicant's mark; and Applicant prays that this opposition

be dismissed in its entirety and that a registration issue to Applicant for the mark.

Respectfully submitted,
PRUGEN IP HOLDINGS, INC.

Date: October 19, 2010

By: 

Robert L. Knechtel

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Attorney for Applicant

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION has been serve by first class mail, postage prepaid, to

Susan Upton Douglas
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

On this 19th day of October, 2010.

A handwritten signature in black ink, appearing to read 'R. Knechtel', is written over a horizontal line.

Robert L. Knechtel